
By: **Delegates Niemann, Kelley, Parker, Ramirez, Ross, and Vaughn**

Introduced and read first time: February 14, 2003

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 27, 2003

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2003

CHAPTER _____

1 AN ACT concerning

2 **Driver's License - Revocation - Manslaughter by Vehicle**
3 **Drivers' Licenses - Certain Manslaughter and Alcohol- or Drug-Related**
4 **Driving Offenses**

5 FOR the purpose of requiring the clerk of the court to notify the Motor Vehicle
6 Administration if a person is convicted of ~~manslaughter by vehicle~~ a certain
7 manslaughter offense or certain alcohol- or drug-related driving offenses
8 involving a motor vehicle; requiring the Administration to revoke the driver's
9 license of a person who is convicted of ~~manslaughter by vehicle~~ a certain
10 manslaughter offense if the crime involves a motor vehicle ~~and the person was~~
11 ~~under the influence of alcohol, impaired by alcohol, or impaired by any drug, a~~
12 ~~combination of one or more drugs and alcohol, or a controlled dangerous~~
13 ~~substance at the time the crime was committed; providing that the revocation of~~
14 ~~a driver's license for a person who is convicted of manslaughter by vehicle under~~
15 ~~certain circumstances is not subject to a certain modification; and generally~~
16 relating to the revocation of driver's licenses providing that a certain provision
17 that alters the effect of an accumulation of points against a driver's license of an
18 individual who is required to drive in the course of employment does not apply if
19 the accumulation of points results from a conviction for a certain manslaughter
20 offense or certain alcohol- or drug-related offenses; making a stylistic change;
21 and generally relating to drivers' licenses and convictions for certain
22 manslaughter and alcohol- or drug-related driving offenses.

23 BY repealing and reenacting, with amendments,
24 Article - Criminal Law
25 Section 2-209

1 Annotated Code of Maryland
2 (2002 Volume)

3 BY adding to

4 Article - Criminal Law
5 Section 3-211(g)
6 Annotated Code of Maryland
7 (2002 Volume)

8 BY repealing and reenacting, with amendments,

9 Article - Transportation
10 Section 16-205(b) and 16-405
11 Annotated Code of Maryland
12 (2002 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Criminal Law**

16 2-209.

17 (a) In this section, "vehicle" includes a motor vehicle, streetcar, locomotive,
18 engine, and train.

19 (b) A person may not cause the death of another as a result of the person's
20 driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.

21 (c) A violation of this section is manslaughter by vehicle or vessel.

22 (d) A person who violates this section is guilty of a felony and on conviction is
23 subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

24 (e) (1) An indictment or other charging document for manslaughter by
25 vehicle or vessel is sufficient if it substantially states:

26 "(name of defendant) on (date) in (county) killed (name of victim) in a grossly
27 negligent manner against the peace, government, and dignity of the State."

28 (2) An indictment or other charging document for manslaughter by
29 vehicle or vessel need not set forth the manner or means of death.

30 (F) THE CLERK OF THE COURT SHALL NOTIFY THE MOTOR VEHICLE
31 ADMINISTRATION OF EACH PERSON CONVICTED UNDER THIS SECTION OF A CRIME
32 INVOLVING A MOTOR VEHICLE.

1 3-211.

2 (G) THE CLERK OF THE COURT SHALL NOTIFY THE MOTOR VEHICLE
 3 ADMINISTRATION OF EACH PERSON CONVICTED UNDER THIS SECTION OF A CRIME
 4 INVOLVING A MOTOR VEHICLE.

5 **Article - Transportation**

6 16-205.

7 (b) The Administration:

8 (1) Shall revoke the license of any person who has been convicted[,
 9 under]:

10 (I) UNDER Title 2, Subtitle 5 of the Criminal Law Article, of
 11 homicide by a motor vehicle while under the influence of alcohol, impaired by alcohol,
 12 or impaired by any drug, any combination of drugs, a combination of one or more
 13 drugs and alcohol, or a controlled dangerous substance; [and] OR

14 ~~(H) UNDER § 2-209 OF THE CRIMINAL LAW ARTICLE OF~~
 15 ~~MANSLAUGHTER BY VEHICLE IF:~~

16 ~~1. THE CRIME INVOLVES A MOTOR VEHICLE; AND~~

17 ~~2. THE PERSON WAS UNDER THE INFLUENCE OF ALCOHOL,~~
 18 ~~IMPAIRED BY ALCOHOL, OR IMPAIRED BY ANY DRUG, A COMBINATION OF ONE OR~~
 19 ~~MORE DRUGS AND ALCOHOL, OR A CONTROLLED DANGEROUS SUBSTANCE AT THE~~
 20 ~~TIME THE CRIME WAS COMMITTED; AND~~

21 (II) UNDER § 2-209 OF THE CRIMINAL LAW ARTICLE IF THE CRIME
 22 INVOLVED A MOTOR VEHICLE; AND

23 (2) May not issue a temporary license to drive for any person whose
 24 license has been revoked under item (1) of this subsection during an administrative
 25 appeal of the revocation.

26 16-405.

27 (a) Except as provided in §§ 16-205(e) and 16-205.1 of this title, ~~AND~~
 28 ~~SUBSECTION (D) OF THIS SECTION~~, if the suspension or revocation of a license would
 29 affect adversely the employment or opportunity for employment of a licensee, the
 30 hearing officer may:

31 (1) Decline to order the suspension or revocation; or

32 (2) Cancel or modify the suspension or revocation.

33 (b) For purposes of § 16-404 of this subtitle, if a licensee is required to drive a
 34 motor vehicle in the course of ~~his~~ THE LICENSEE'S regular employment:

1 (1) Suspension requires 16 points; and

2 (2) Revocation requires 19 points.

3 (c) The provisions of subsection (b) of this section do not apply to an individual
4 whose current accumulation of points includes points resulting from a conviction for a
5 violation of § 21-902 of this article OR § 2-209, TITLE 2, SUBTITLE 5, OR § 3-211 OF THE
6 CRIMINAL LAW ARTICLE.

7 ~~(D) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO AN INDIVIDUAL~~
8 ~~WHOSE LICENSE IS REVOKED AS A RESULT OF A CONVICTION UNDER § 2-209 OF THE~~
9 ~~CRIMINAL LAW ARTICLE.~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2003.